Remarks/Arguments

In the claims, some minor changes have been made to claims 25 to 26. As I still do not agree with the Examiner's evaluation of the prior art, I have not changed the substance of the claims.

With regard to the rejection of claim 1 under 35 USC § 103 addressed in items 4 and 5 of the Office Action, it is submitted that with regard to claim 1 Mercer (US 7,043,477) discloses a device for playback of multimedia files, including means for changing a sorting order and/or a playback order of a plurality of multimedia files from a current sorting order and/or a current playback order to a new sorting order and/or a new playback order (col. 5, lines 22 to 36 shuffling of playlists).

Contrary to the Examiner's assertion, there is no indication that upon changing the sorting order and/or the playback order of the multimedia files the currently selected multimedia file is kept and the new sorting order and/or playback order is determined by at least one property of the currently selected multimedia file, and that the means for changing the sorting order and/or the playback order include a button for changing the order by running through a predefined sequence of properties of the currently selected multimedia file.

The cited passage does not contain any information whether there even is a currently selected multimedia file, let alone whether such a selected multimedia file is kept selected. There likewise isn't any indication that the new sorting order and/or playback order is determined by at least one property of a currently selected multimedia file. Regarding the button for changing the order by running through a predefined sequence of properties of the currently selected multimedia file, the Examiner refers to Figs. 7 and 11 as a basis for this feature. However, Fig. 7 shows the user interface of a "CD Writing Wizard". The user is prompted to indicate which types of playlists are to be included on a CD to be recorded. There is no button for changing the

order, nor is there any indication of running through a predefined sequence of properties of the currently selected multimedia file. In fact, there is not even a selected multimedia file. Fig. 11 shows a user interface, which has buttons for selecting video files, audio files, image files, or presentations. Apparently, the buttons do not change the sorting order and/or playback order, but define which types of files are to be played. There is no indication of running through a predefined sequence of properties of the currently selected multimedia file, as also in this case there is no selected multimedia file. What is more, even if there was a selected multimedia file, the buttons refer to different types of multimedia files. Therefore, the currently selected multimedia file could not be kept when a button was selected, as a different type of multimedia file would be played back. As such, it would not even be possible to run through a predefined sequence of properties of the currently selected multimedia file.

Finally, as agreed by the Examiner Mercer does not show that the new sorting order and/or playback order includes one or more multimedia files that are not included in the current sorting order and/or the current playback order.

Therefore, claim 1 is clearly new over Mercer.

In this regard, Ward (US 6,526,411) discloses a method for creating a dynamic playlist that allows playlist items to be dynamically added or subtracted from a current playlist. There is, however, no indication that this adding or subtracting of playlist items takes place upon switching to a new sorting order and/or playback order.

What is more, there likewise isn't any hint towards the above identified further missing features. As such, even the combination of Mercer and Ward does not lead to the solution of claim 1.

Consequently, claim 1 is also inventive.

With regard to the rejection of claim 25 under 35 USC § 103 addressed in items 4 and 5 of the Office Action, it is submitted that with regard to claim 25 Mercer (US 7,043,477) discloses in col. 5, line 64 to col. 6, line 21 a method for creating a playback order for a multimedia device for playing back multimedia files, the method comprising the steps of:

playing back a multimedia file on said device (Fig. 3, e.g. first file of GROUP 1);

creating a first playback order of a first plurality of multimedia files (Fig. 3, files of GROUP 1) from a library of multimedia files (Fig. 3, PLAYLIST 302) in response to a first user activated command and a first property of said multimedia file being played back (col. 6, l. 14 to 21; album, artist, etc); and

creating a second playback order of a second plurality of multimedia files (Fig. 3, files of GROUP 2) from said library of multimedia files (Fig. 3, PLAYLIST 302) in response to a second user activated command,

wherein said second plurality of multimedia files contains at least one multimedia file which is different from the multimedia files in said first plurality of multimedia files (col. 6, l. 4 to 21; all GROUPs contain different multimedia files).

However, the second playback order of the second plurality of multimedia files from said library of multimedia files created in response to a second user activated command is not created in response to a second property of said multimedia file being played back, where said second property is different from said first property.

The Examiner has indicated that "it is possible that each of GROUP 1, GROUP 2 and GROUP 3 could contain different multimedia files if user creates a play list where all songs are grouped by artist or another play list where all images are grouped by month". However, not only could the GROUPs contain different multimedia files, they must contain different multimedia files. As indicated in col. 6, lines 4 to 21 the groups are provided to enable skipping album-by-album, artist-by-artist, etc. As such, from the multimedia files of the playlist GROUP 1 contains, for example, all multimedia

files by a first artist, GROUP 2 contains all multimedia files by a second artist, and so on. A multimedia file by the first artist cannot simultaneously be a multimedia file by the second artist. Consequently, when during playback of a multimedia file of GROUP 1 the user skips to GROUP 2, the playback order of GROUP 2 has no relation to a second property of said multimedia file being played back, which belongs to GROUP 1.

In conclusion, claim 25 is clearly new over Mercer.

In addition, none of the cited document contains any hint towards the feature of creating the second playback order of the second plurality of multimedia files from said library of multimedia files in response to a second property of said multimedia file being played back. Therefore, claim 25 is also inventive.

In view of the arguments given above and the amendments made to claims it is submitted that independent claims 1 and 25 are new and inventive over the cited prior art and should be patentable. With patentability of these independent claims, the claims dependent thereon should also be patentable for at least the same reasons. A further discussion of the remaining claims is, therefore, deemed obsolete.

Respectfully submitted,

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